

REFERENCE TITLE: lake improvement; boating safety; funds.

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

# HB 2314

Introduced by  
Representatives Jones, McLain: Senator Shooter

AN ACT

AMENDING SECTIONS 5-323, 5-382, 5-383, 41-511.04 AND 41-511.25, ARIZONA  
REVISED STATUTES; RELATING TO LAKE IMPROVEMENT AND BOATING SAFETY FUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 5-323, Arizona Revised Statutes, is amended to read:

5-323. Disposition of fees

Each month monies received from the registration fees received under this chapter for the numbering of watercraft shall be deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the watercraft registration fee clearing account. Each month, on notification by the department, the state treasurer shall distribute the monies in the clearing account as follows:

1. All revenues collected from the registration fees collected pursuant to section 5-321, subsection A, paragraphs 1 and 2 shall be allocated as follows:

(a) Sixty-five per cent shall be deposited in a special fund to be known as the watercraft licensing fund. The watercraft licensing fund is to be used by the department for administering and enforcing this chapter, providing an information and education program relating to boating and boating safety and administering any aquatic invasive species program established under this title or title 17. ~~These monies are subject to legislative appropriation.~~

(b) Thirty-five per cent of such revenues shall be ~~further~~ allocated ~~as follows:~~

~~(i) Fifteen per cent to the state lake improvement fund to be used as prescribed by section 5-382.~~

~~(ii) Eighty-five per cent~~ to the law enforcement and boating safety fund to be used as prescribed by section 5-383.

2. All revenues collected from any additional registration fees collected pursuant to section 5-321, subsection C shall be paid to an account designated by a multi-county water conservation district established under title 48, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose.

Sec. 2. Section 5-382, Arizona Revised Statutes, is amended to read:

5-382. State lake improvement fund; administration; report

A. A state lake improvement fund is established. Monies deposited in the fund shall be used only as provided in this section.

B. All monies in the state lake improvement fund are appropriated to the Arizona state parks board solely for the purposes provided in this section. Interest earned on monies in the fund shall be credited to the fund. Monies in the state lake improvement fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona state parks board shall administer the monies in the fund as follows:

1. To fund staff support to plan and administer the state lake improvement fund ~~and the law enforcement and boating safety fund established~~

1 ~~by section 5-383~~ in conjunction with other administrative tasks and  
2 recreation plans of the board.

3 2. To fund projects on waters where gasoline powered boats are  
4 permitted and shall be limited to the following:

- 5 (a) Public launching ramps.
- 6 (b) Public piers, marinas or marina stadia.
- 7 (c) Public toilets, sanitation facilities and domestic waters.
- 8 (d) Public picnic tables and facilities.
- 9 (e) Public parking areas.
- 10 (f) Lake construction or improvement.
- 11 (g) Marking buoys and other safety facilities.
- 12 (h) Watercraft.
- 13 (i) Public campgrounds.
- 14 (j) Acquisition of real and personal property through purchase, lease,  
15 agreement or otherwise for the purpose of providing access to waters where  
16 boating is permitted.

17 (k) Design and engineering projects.

18 D. Projects involving expenditure of monies from such fund may be  
19 accomplished by the Arizona state parks board, by the Arizona game and fish  
20 commission, by the board of supervisors of any county or by the governing  
21 body of a city or town, provided such projects do not interfere with any  
22 vested water rights, or the operation or maintenance of water projects,  
23 including domestic, municipal, irrigation district, drainage district, flood  
24 control district or reclamation projects. The Arizona outdoor recreation  
25 coordinating commission, established by section 41-511.25, shall examine  
26 applications for eligible projects, determine the amount of funding, if any,  
27 for each project and submit a list of projects, subject to prior review by  
28 the joint committee on capital review, to the Arizona state parks board for  
29 allocation from the fund. The board shall annually report to the legislature  
30 the expenditures made for such projects in conjunction with the report  
31 required by section 41-511.12.

32 E. State lake improvement funds may be used on projects where matching  
33 funds are made available.

34 Sec. 3. Section 5-383, Arizona Revised Statutes, is amended to read:

35 5-383. Law enforcement and boating safety fund; grants to  
36 counties

37 A. A law enforcement and boating safety fund is established that  
38 consists of monies distributed to the fund pursuant to section 5-323. ~~The~~  
39 ~~monies are subject to legislative appropriation.~~ The Arizona ~~state parks~~  
40 ~~board~~ GAME AND FISH COMMISSION shall administer the fund and establish and  
41 adopt procedures for the allocation of the monies.

42 B. The board of supervisors of any county may apply for law  
43 enforcement and boating safety fund grants from the Arizona ~~outdoor~~  
44 ~~recreation coordinating~~ GAME AND FISH commission for the ensuing fiscal year

1 on forms provided by the Arizona ~~outdoor recreation coordinating~~ GAME AND  
2 FISH commission.

3 C. The Arizona ~~outdoor recreation coordinating~~ GAME AND FISH  
4 commission may distribute grant monies from the law enforcement and boating  
5 safety fund to counties that properly apply to receive the monies. In  
6 allocating the monies, the commission may consider the following:

7 1. The adequacy of existing county boating safety programs that  
8 include accident investigations.

9 2. The number of recreational days of use on water within the  
10 jurisdiction of the counties in areas of administrative authority.

11 3. The surface acreage of water within the jurisdiction of the  
12 counties in areas of administrative authority.

13 4. The county water safety record.

14 5. The ability of the county to constructively use additional monies.

15 6. The ratio of boating use to water surface within the jurisdiction  
16 of the counties in areas of administrative authority.

17 7. The ability of participating counties to provide continued funding  
18 of the program.

19 D. The monies distributed to a county shall be used by the law  
20 enforcement agencies of the county solely for boating law enforcement,  
21 personnel, equipment and training.

22 E. A county that applies for monies pursuant to this section and that  
23 has a law enforcement and boating safety program that was in existence before  
24 July 1, 1980 shall match the monies received pursuant to this section by an  
25 equal amount for that county's law enforcement and boating safety program.

26 Sec. 4. Section 41-511.04, Arizona Revised Statutes, is amended to  
27 read:

28 41-511.04. Duties; board; partnership fund; state historic  
29 preservation officer; definition

30 A. The board shall:

31 1. Select areas of scenic beauty, natural features and historical  
32 properties now owned by the state, except properties in the care and custody  
33 of other agencies by virtue of agreement with the state or as established by  
34 law, for management, operation and further development as state parks and  
35 historical monuments.

36 2. Manage, develop and operate state parks, monuments or trails  
37 established or acquired pursuant to law, or previously granted to the state  
38 for park or recreation purposes, except those falling under the jurisdiction  
39 of other state agencies as established by law.

40 3. Investigate lands owned by the state to determine in cooperation  
41 with the agency that manages the land which tracts should be set aside and  
42 dedicated for use as state parks, monuments or trails.

43 4. Investigate federally owned lands to determine their desirability  
44 for use as state parks, monuments or trails and negotiate with the federal

1 agency having jurisdiction over such lands for the transfer of title to the  
2 Arizona state parks board.

3 5. Investigate privately owned lands to determine their desirability  
4 as state parks, monuments or trails and negotiate with private owners for the  
5 transfer of title to the Arizona state parks board.

6 6. Enter into agreements with the United States, other states or local  
7 governmental units, private societies or persons for the development and  
8 protection of state parks, monuments and trails.

9 7. Plan, coordinate and administer a state historic preservation  
10 program, including the program established pursuant to the national historic  
11 preservation act of 1966, as amended.

12 8. Advise, assist and cooperate with federal and state agencies,  
13 political subdivisions of this state and other persons in identifying and  
14 preserving properties of historic or prehistoric significance.

15 9. Keep and administer an Arizona register of historic places composed  
16 of districts, sites, buildings, structures and objects significant in this  
17 state's history, architecture, archaeology, engineering and culture which  
18 meet criteria which the board establishes or which are listed on the national  
19 register of historic places. Entry on the register requires nomination by  
20 the state historic preservation officer and owner notification in accordance  
21 with rules which the board adopts.

22 10. Accept, on behalf of the state historic preservation officer,  
23 applications for classification as historic property received from the county  
24 assessor.

25 11. Adopt rules with regard to classification of historic property  
26 including:

27 (a) Minimum maintenance standards for the property.

28 (b) Requirements for documentation.

29 12. Monitor the performance of state agencies in the management of  
30 historic properties as provided in chapter 4.2 of this title.

31 13. Advise the governor on historic preservation matters.

32 14. Plan and administer a statewide parks and recreation program,  
33 including the programs established pursuant to the land and water  
34 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

35 15. Prepare, maintain and update a comprehensive plan for the  
36 development of the outdoor recreation resources of this state.

37 16. Initiate and carry out studies to determine the recreational needs  
38 of this state and the counties, cities and towns.

39 17. Coordinate recreational plans and developments of federal, state,  
40 county, city, town and private agencies.

41 18. Receive applications for projects to be funded through the land and  
42 water conservation fund, ~~AND the state lake improvement fund and the law~~  
43 ~~enforcement and boating safety fund~~ on behalf of the Arizona outdoor  
44 recreation coordinating commission.

1       19. Provide staff support to the Arizona outdoor recreation  
2 coordinating commission.

3       20. Maintain a statewide off-highway vehicle recreational plan. The  
4 plan shall be updated at least once every five years and shall be used by all  
5 participating agencies to guide distribution and expenditure of monies under  
6 section 28-1176. The plan shall be open to public input and shall include  
7 the priority recommendations for allocating available monies in the  
8 off-highway vehicle recreation fund established by section 28-1176.

9       21. Collaborate with the state forester in presentations to legislative  
10 committees on issues associated with forest management and wildfire  
11 prevention and suppression as provided by section 37-622, subsection B.

12       B. Notwithstanding section 41-511.11, the board may annually collect  
13 and expend monies to plan and administer the land and water conservation fund  
14 program, in conjunction with other administrative tasks and recreation plans,  
15 as a surcharge to subgrantees in a proportionate amount, not to exceed ten  
16 per cent, of the cost of each project. The surcharge monies shall be set  
17 aside to fund staff support for the land and water conservation fund program.

18       C. A partnership fund is established consisting of monies received  
19 pursuant to subsection B of this section, monies received from  
20 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and  
21 monies received pursuant to section 35-148. The board shall administer the  
22 fund monies as a continuing appropriation for the purposes provided in these  
23 sections.

24       D. The state historic preservation officer shall:

25       1. In cooperation with federal and state agencies, political  
26 subdivisions of this state and other persons, direct and conduct a  
27 comprehensive statewide survey of historic properties and historic private  
28 burial sites and historic private cemeteries and maintain inventories of  
29 historic properties and historic private burial sites and historic private  
30 cemeteries.

31       2. Identify and nominate eligible properties to the national register  
32 of historic places and the Arizona register of historic places and otherwise  
33 administer applications for listing historic properties on the national and  
34 state registers.

35       3. Administer grants-in-aid for historic preservation projects within  
36 this state.

37       4. Advise, assist and monitor, as appropriate, federal and state  
38 agencies and political subdivisions of this state in carrying out their  
39 historic preservation responsibilities and cooperate with federal and state  
40 agencies, political subdivisions of this state and other persons to ensure  
41 that historic properties and historic private burial sites and historic  
42 private cemeteries are taken into consideration at all levels of planning and  
43 development.

1           5. Develop and make available information concerning professional  
2 methods and techniques for the preservation of historic properties and  
3 historic private burial sites and historic private cemeteries.

4           6. Make recommendations on the certification, classification and  
5 eligibility of historic properties and historic private burial sites and  
6 historic private cemeteries for property tax and investment tax incentives.

7           E. The state historic preservation officer may:

8           1. Collect and receive information for historic private burial sites  
9 and historic private cemeteries from public and private sources and maintain  
10 a record of the existence and location of such burial sites and cemeteries  
11 located on private or public lands in this state.

12           2. Assist and advise the owners of the properties on which the  
13 historic private burial sites and historic private cemeteries are located  
14 regarding the availability of tax exemptions applicable for such property.

15           3. Make the records available to assist in locating the families of  
16 ~~the person~~ PERSONS buried in the historic private burial sites and historic  
17 private cemeteries.

18           F. For the purposes of this section, "historic private burial sites  
19 and historic private cemeteries" means ~~a place~~ PLACES where burials or  
20 interments of human remains first occurred more than fifty years ago, that  
21 are not available for burials or interments by the public and THAT are not  
22 regulated under title 32, chapter 20, article 6.

23           Sec. 5. Section 41-511.25, Arizona Revised Statutes, is amended to  
24 read:

25           41-511.25. Arizona outdoor recreation coordinating commission:  
26                               members; powers and duties

27           A. The Arizona outdoor recreation coordinating commission is  
28 established. The commission shall be composed of seven members consisting of  
29 the director of the Arizona game and fish department, the director of the  
30 Arizona state parks board and five members appointed by the governor. The ex  
31 officio members may not serve as officers of the commission. Of the members  
32 appointed by the governor three shall be professional full-time parks and  
33 recreation department directors of a county, city, or town and no two shall  
34 reside in the same county. Two members appointed by the governor shall be  
35 from the general public and each shall have broad experience in outdoor  
36 recreation. Of the five appointed members, no more than two shall reside in  
37 the same county. Each appointed member shall be appointed for a term of  
38 three years. Appointed members shall be reimbursed for expenses incurred  
39 while attending meetings called by the commission as prescribed by section  
40 38-624.

41           B. The commission shall:

42           1. Review statewide outdoor recreation and lake improvement plans and  
43 provide comments to the Arizona state parks board.

1           2. Review budget proposals for the use of land and water conservation  
2 fund surcharges and the state lake improvement fund for planning and  
3 administration and provide recommendations to the Arizona state parks board.  
4           3. Establish criteria and policies for the equitable distribution of  
5 funding, review applications for eligible projects and determine the amount  
6 of funding, if any, for each project to be funded from the land and water  
7 conservation fund, the state lake improvement fund, ~~the law enforcement and~~  
8 ~~boating safety fund~~ and the off-highway vehicle recreation fund.